

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDREW AINA,

Plaintiff,

v.

COMMONWEALTH OF  
PENNSYLVANIA, *et al.*,

Defendants.

No. 4:21-CV-00794

(Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**JULY 9, 2021**

Plaintiff filed the instant action on April 30, 2021, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>1</sup> Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.<sup>2</sup>

On May 10, 2021 Magistrate Judge Martin C. Carlson, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the complaint be dismissed without prejudice.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the

---

<sup>1</sup> 28 U.S.C. 636(b)(1)(B).

<sup>2</sup> 28 U.S.C. 636(b)(1).

Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”<sup>3</sup> Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>4</sup>

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

**AND NOW, IT IS HEREBY ORDERED** that:

1. Magistrate Judge Carlson’s May 10, 2021 Report and Recommendation (Doc. 7) is **ADOPTED in full**.
2. The complaint is dismissed without prejudice. Plaintiff may file an amended complaint within 21 days of this Order. If no amended complaint is filed, this action will be summarily dismissed.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann  
United States District Judge

---

<sup>3</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D. Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

<sup>4</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.